

**IN THE UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

<b>UNITED STATES OF AMERICA</b>	)	
	)	
	)	
<b>VS.</b>	)	<b>CR. NO. 08-00327-CG</b>
	)	
<b>A. SAMUEL KELLEY, <u>et al.</u>,</b>	)	
	)	
<b>Defendants.</b>	)	

**ORDER**

This matter came on for a hearing outside the presence of the jury on January 28, 2010, at which the court ruled, in part, on the defendant's motions for judgment of acquittal, and heard the parties' arguments with respect to witnesses to be called by the defendants. Following further argument and submissions of authority, the court rules as follows on the motions for judgment of acquittal:

Defendant Daniel C. Riedel's Rule 29 motion for judgment of acquittal as to all counts pending against him (Doc. 592) is **GRANTED**.

Defendant J. Michael Bennett's Rule 29 motion for judgment of acquittal (Doc. 596) is **GRANTED in part** as to substantive distribution Counts 33, 34, 35, 38, 39, 40, 41, 42, 50 and 95. The motion is otherwise **DENIED**.

Defendant J. Mallory Mallon's Rule 29 motion for judgment of acquittal (Doc. 598) is **GRANTED in part** as to substantive distribution Counts 36 and 37. The motion is otherwise **DENIED**.

All other motions for judgment of acquittal filed by A. Samuel Kelley, II (Doc. 593), Jason R. Kelley (Doc. 594), Jodi C. Silvio (Doc. 590), Robin K. Kelly (Doc. 597), Roger A. Everett (Doc. 572), Brett W. Branch (Doc. 589), and Ronald E. Winter (Doc. 588) are **DENIED**.

It, therefore, is **ORDERED, ADJUDGED and DECREED** that:

All charges against **Daniel C. Riedel** as set out in the Superseding Indictment filed on December 30, 2008, are hereby **DISMISSED**.

The substantive distribution charges in Counts 33, 34, 35, 38, 39, 40, 41, 42, 50 and 95 against **J Michael Bennett** as set out in the Superseding Indictment filed on December 30, 2008, are hereby **DISMISSED**.

The substantive distribution charges in Counts 36 and 37 against **J. Mallory Mallon** as set out in the Superseding Indictment filed on December 30, 2008, are hereby **DISMISSED**.

**DONE and ORDERED** this 29th day of January, 2010.

/s/ Callie V. S. Granade  
CHIEF UNITED STATES DISTRICT JUDGE